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INTRODUCTION

Welcome to the 2005 Candidate Information Pamphlet. Created by the City of Tucson City Clerk's Office to help individuals and committees understand state and city election laws, this pamphlet is an important first step in the election process. Potential candidates and political committees are encouraged to study this pamphlet prior to beginning their campaigns.

While every effort was made to provide a comprehensive overview of the election process for the City of Tucson, this pamphlet is not intended to provide legal advice or to eliminate the need for private legal counsel in answering specific election-related questions. For example, in the event a petition is challenged, it will be the person and/or group who submitted the petition, and not the city, that is required to defend the legal sufficiency of the petition.

Please note that copies of campaign finance reports and other documents are placed in the public record and may be purchased at the City Clerk's office for a cost of ten cents per image.

Candidates and political committees should contact the City Clerk's Office with any questions regarding the information contained in this pamphlet. Because this material is subject to change, individuals are urged to stay in contact with the City Clerk's Office to ensure they are following the most up-to-date regulations.

<i>City Clerk</i>	<i>Phone (520) 791-4213</i>
<i>City Hall, 9th floor</i>	<i>FAX (520) 791-4017</i>
<i>255 W. Alameda</i>	<i>TDY (520) 791-2639</i>
<i>Mailing Address:</i>	<i>Email cityclerk@cityoftucson.org</i>
<i>P.O. Box 27210</i>	
<i>Tucson, AZ 85726-7210</i>	
<i>Visit our web site at http://www.cityoftucson.org/clerks</i>	

*This document is available in Spanish as well as alternative formats
to accommodate special needs.*

OVERVIEW

Procedures regarding the nomination of candidates are set forth in the Candidate Nomination Procedures in the white section. Individuals who are members of the Democratic, Republican or Libertarian parties may be nominated to participate in the Primary Election either by obtaining enough signatures of qualified City of Tucson electors to have their names printed on the official Primary ballot, or by becoming a write-in candidate (see page 10). Candidates chosen in the Primary Election will be placed on the ballot for the General Election. In addition, individuals who are NOT members of the Democratic, Republican or Libertarian parties may have their names placed on the General Election ballot either by obtaining the required number of signatures for Nomination Other Than by Primary or by becoming write-in candidates (see page 11).

All candidates must comply with state laws regarding campaign financing (see the State Campaign Financing Laws contained in Chapter 2) as well as Chapter XVI, Subchapter A of the Tucson Charter. These laws pertain to the organization of exploratory, campaign and political committees (see pages 19-20), mandatory limits on campaign contributions (see pages 24-26), campaign finance reporting (see page 35, 55), identification of campaign literature and advertisements (see pages 31-32), and other campaign related matters. Provisions regarding “exploratory committees” are a recent addition to the state laws, which deal with committees formed to determine whether an individual will become a candidate. Note that candidates who receive contributions or make expenditures of more than \$500 must file a statement of organization within three (3) business days of such receipts or expenditures and designate a campaign committee within ten (10) calendar days of such receipts or expenditures.

The requirements for candidates who want to receive public matching funds from the City of Tucson are set forth in the City Campaign Financing Laws section Chapter 3 of this pamphlet. Candidates must sign a Campaign Contract within thirty (30) days after becoming a candidate or filing for office, whichever is earlier (see page 39). In addition to the state laws mentioned above, candidates who enter into Campaign Contracts must comply with local campaign finance laws and procedures (see pages 39-58).

2005 ELECTIONS

In 2005, the qualified electors of the City of Tucson will elect Council Members representing Ward 3, Ward 5, and Ward 6. Those elected will take office at 10 a.m. on Monday, December 5, 2005 and will serve for four years until 10 a.m. Monday, December 7, 2009. Each Council Member receives a salary of \$2,000 per month.

PRIMARY ELECTION – Tuesday, September 13

Held to allow qualified political parties the opportunity to nominate and place on the General Election ballot candidates for the office of Council Members in Ward 3, Ward 5, and Ward 6. The Democratic, Republican and Libertarian parties are qualified as of the printing of this document. Other political parties may participate in the Primary Election upon meeting qualifications for placement on the 2005 ballot.

Qualified electors who will be 18 years of age or older on September 13, 2005, who have registered to vote on or before August 15, 2005 with a qualified political party and who have resided in Ward 3, Ward 5 or Ward 6 since August 14, 2005, may vote for their party's candidate for Council Member in their council ward.

Qualified electors registered as Independent or No Party Preference or as a member of a political party other than Democratic, Republican or Libertarian may vote in the Primary Election for one of these qualified parties.

GENERAL ELECTION – Tuesday, November 8

Held to elect Council Members in Ward 3, Ward 5, and Ward 6.

Qualified electors who have resided in the City of Tucson (regardless of City Ward) since October 9, 2005, who will be 18 years of age or older on November 8, 2005, who have registered to vote on or before October 10, 2005 (regardless of political party affiliation) and may vote for all offices and on all issues.

CANDIDATE QUALIFICATIONS

A candidate for Council Member must have been a qualified elector and resident of the City of Tucson for not less than three (3) years immediately prior to becoming a candidate. Additionally, Council candidates must have resided in the ward for which nomination is sought at least one (1) year immediately prior to becoming a candidate, unless such residence has been shortened by the redistricting of the city as to wards. (Note: Time of residence in any area and being a qualified elector thereof will be counted toward residence and electoral qualifications within the city one (1) year after the area becomes annexed to the city.)

A person is NOT eligible to be a candidate for nomination or election to more than one (1) public office if the elections for those offices are held on the same day and if the person would be prohibited from serving in the offices simultaneously.

The Nomination Procedures section includes information regarding becoming a candidate. Individuals who are members of the Democratic, Republican or Libertarian parties may participate in the Primary Election either by obtaining enough signatures to have their names printed on the Primary Election ballot, or by filing as write-in candidates. Candidates nominated in the Primary Election will be placed on the ballot for the General Election. In addition, individuals who are NOT members of the Democratic, Republican or Libertarian parties may have their names placed on the General Election ballot by obtaining the required number of signatures for “Nomination Other than by Primary”.

EARLY AND MAIL BALLOT VOTING

Any qualified elector may cast an Early or Mail Ballot by contacting the City Clerk's Office. Following are the dates to remember for Early and Mail Balloting in the Primary and General Elections:

- June 12, first day to request an Early and Mail Ballot – Primary and General Elections.
- August 11, Early and Mail Ballot voting for Primary Election begins.
- September 2, 5 p.m., last day a registered voter may request a ballot by mail.
- September 9, 5 p.m., last day to vote in person at early voting locations.
- October 6, Early and Mail Ballot voting for General Election begins.
- October 28, 5 p.m., last day a registered voter may request a ballot by mail.
- November 4, 5 p.m., last day to vote in person at early voting locations.

A candidate or political committee may distribute and collect early ballot request forms. All early ballot request forms that are received by a candidate or political committee from voters must be transmitted as soon as practicable to the City of Tucson City Clerk's office – Early Voting Division.

800 E. 12th Street, Tucson, AZ 85719-5771

(Located at the Southeast corner of Broadway/Euclid)

Mailing address: P.O. Box 2031, Tucson, AZ 85702-2031

Early and Mail Ballot Reports

The City Clerk's office produces Early and Mail Ballot Reports and makes them available for purchase. The first report, *Mail Ballots Requested Report*, is a listing of those individuals who request an early ballot. The second report, *Early and Mail Ballots Returned Report*, is a listing of those who returned their early and mail ballots to the City Clerk's office.

These reports may be purchased on disk by contacting the City Clerk's office. Disks can be picked up at the Early Voting Office located at 800 E. 12th Street. Reports and disks will be available Monday through Friday, (excluding holidays) beginning June 20.

CHAPTER 1

NOMINATION PROCEDURES

NOMINATION PROCEDURES

PRIMARY ELECTION: SEPTEMBER 13

Presently there are three (3) political parties (Democratic, Republican and Libertarian) eligible to participate in the 2005 City of Tucson Primary and General Elections. A qualified candidate may seek nomination by one of these political parties through either one of the following methods:

1. NAME PRINTED ON BALLOT - Filing Dates: May 16 through 5 p.m. June 15

File the following with the City Clerk between 90 and 120 days prior to the election:

- Nomination Petitions (the City Clerk will not accept partial filings, late filings, or supplements to petitions already filed);
- A combined form which includes the Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement
- Financial Disclosure Statement; and
- Political Committee Statement of Organization or the \$500 Threshold Exemption Statement (if not previously filed.)

NOMINATION PETITION RULES

Petition forms are available from the City Clerk. For candidates who prefer to create their own petitions, the requirements that such petitions must meet are set forth in A.R.S. §§. 16-314, 16-315, and 16-321 for Nomination by Primary.

Petition Circulators.

- Any person qualified to register to vote in the State of Arizona may circulate a petition.
- Each circulator must complete and sign the "Instructions for Circulator" on the back of each signature sheet.

Petition Signers.

- Qualified electors entitled to sign nomination petitions are those who are qualified to vote for the candidate whose nomination petition they are signing.
- An individual may sign only one petition for the same office. If an individual signs more than one nomination petition, the earliest signature will be valid, as determined by the date shown on the petition. If all the signatures are dated the same day, all the signatures are invalid.
- All signers must be at least eighteen (18) years old on the date of signing the petition.

SIGNATURE REQUIREMENTS

The number of valid signatures on the petition must be equal to at least five percent (5%), but not more than ten percent (10%) of the votes cast by the party for Mayor in the ward in the 2003 General Election.

	DEMOCRATIC PARTY		REPUBLICAN PARTY		LIBERTARIAN PARTY	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
WARD 3	271	541	145	290	7	13
WARD 5	211	422	58	116	2	4
WARD 6	436	872	234	467	9	18

Successful candidates in the Primary Election will have their names placed on the General Election ballot.

SIGNATURE WITHDRAWAL

A signature may be withdrawn by the person who signed a nomination petition until the day the petition is filed.

2. WRITE-IN CANDIDATES - *Filing deadline for Primary Election: 5 p.m. August 4*

An individual who is a member of a qualified party can become a write-in candidate in the Primary Election unless the individual filed a nomination petition for the September 13 Primary Election and failed to provide a sufficient number of valid petition signatures.

File the following with the City Clerk not less than forty (40) days prior to the Election:

- A combined form which includes the Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement
- Financial Disclosure Statement; and
- Political Committee Statement of Organization or the \$500 Threshold Exemption Statement (if not previously filed).

GENERAL ELECTION: NOVEMBER 8

There are three (3) ways in which a candidate may seek office during the General Election:

1. NOMINATION BY PRIMARY ELECTION – The names of those candidates who were nominated at the Primary Election will be automatically placed on the General Election ballot.

2. NOMINATION OTHER THAN BY PRIMARY- *File: May 16 through 5 p.m. June 15*

A candidate who is not a member of a qualified political party* may seek election through this method. This process shall *not* be used to:

- Place the name of a political party on the General Election ballot that fails to meet the qualifications specified for new political parties; or
- Place the name of any candidate representing such party; or
- Place the name of an individual who filed a nomination petition as a candidate in the Primary Election, but failed to qualify as the result of an insufficient number of valid signatures.

NOMINATION PETITION RULES

Petition forms are available from the City Clerk. For candidates who prefer to create their own petitions, the requirements that such petitions must meet are set forth in A.R.S. § 16-341 for Nomination Other than by Primary.

Petition Circulators.

- Any person qualified to register to vote in the State of Arizona may circulate a petition.
- Each circulator must complete and sign the “Instructions for Circulator” on the back of each signature sheet.

Petition Signers.

- Qualified electors entitled to sign nomination petitions are those who are qualified to vote for the candidate whose nomination petition they are signing.
- An individual may sign only one petition for the same office. If an individual signs more than one nomination petition, the earliest signature will be valid, as determined by the date shown on the petition. If all the signatures are dated the same day, all the signatures are invalid.
- All signers must be at least eighteen (18) years old on the date of signing the petition.

SIGNATURE REQUIREMENTS

The number of valid signatures on the “Nomination Other Than By Primary” petition must be equal to at least three percent (3%) of the total number of registered voters, who are **not** members of a qualified political party.

NOTE: As of November 2004, the Democratic, Republican and Libertarian parties have qualified for the City of Tucson Primary Election ballot.

The total is calculated using the total number of registered voters in the ward for which the candidate is seeking office. The City Clerk will provide exact signature requirements to individuals seeking the office of Council Member in Wards 3, 5 or 6. [As of June 30, 2004 the preliminary signature requirements are:](#)

Ward 3: 310

Ward 5: 193

Ward 6: 362

SIGNATURE WITHDRAWAL

A signature may be withdrawn by the person who signed a nomination petition until the day the petition is filed.

3. WRITE-IN CANDIDATES - Filing deadline for General Election: 5 p.m. September 29

An individual can become a write-in candidate for the General Election unless:

- The individual was defeated in the Primary Election; or
- The individual filed nomination petitions for the Primary Election but did not collect a sufficient number of valid petition signatures.

File the following with the City Clerk not less than forty (40) days prior to the Election:

- A combined form which includes the Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement
- Financial Disclosure Statement; and
- Political Committee Statement of Organization or the \$500 Threshold Exemption Statement (if not previously filed).

PRACTICAL TIPS

NOMINATION PETITIONS AND PAPERS

The following is not intended to be a comprehensive listing of all requirements nor will compliance with these requirements preclude a challenge of the nomination petitions.

In the event of any such challenge, it will be the candidate and not the city who will be required to defend the legal sufficiency of the nomination petition.

- ◆ Make sure the heading of each petition signature page is accurate and complete. Corrections to the heading may not be made after the nomination petition is circulated. Any discrepancies in this area could result in the candidate losing an entire page of petition signatures.
- ◆ Pay attention to the date column of the nomination petition. Be sure it includes the month, day and year. Incomplete or incorrect dates may result in the disqualification of the signature.
- ◆ Be sure the address of each signer is complete.
- ◆ Watch for signers who accidentally put phone numbers, zip code, date of birth, etc. in the date column.
- ◆ The City Clerk will accept ditto marks (") and other repeating marks in all columns EXCEPT the signature and printed name column; just be sure the line being repeated is correct.
- ◆ Keep in mind that the City Clerk will not accept signatures found in the margins.
- ◆ Ensure that the circulator signs and completes the back of the petition page prior to filing with the City Clerk. Errors may result in the entire page of petition signatures being disqualified.
- ◆ Review each page of each petition as well as all other papers prior to filing.
- ◆ Be sure to bring the following papers to the City Clerk's office when filing. (The City Clerk will not accept partial filings of nomination petitions and nomination papers.)
 - A combined form which includes the Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement
 - Nomination Petitions
 - Financial Disclosure Statement
 - Statement of Organization, if applicable.

WHAT TO EXPECT WHEN FILING NOMINATION PETITIONS AND PAPERS

The City Clerk will process nomination petitions and papers in the order in which they are received. Most candidates should plan to spend 20-30 minutes in the City Clerk's office. On the day of the filing deadline, there may be a longer wait, depending on the number of candidates filing at the same time.

Acceptance of nomination petitions by the City Clerk does not preclude any qualified elector of the City of Tucson from challenging the petitions. In the event of any such challenge, it will be the person and/or group who submitted the petition, and not the city, that will be required to defend the legal sufficiency of the petitions.

RECEIPT

After the City Clerk completes the review and determines the number of signatures on the nomination petitions, the candidate will receive a receipt.

PUBLIC RECORDS

All documents are filed in the Public Record's section of the City Clerk's office. Copies are available for ten cents per image.

CHALLENGING NOMINATION PETITIONS

It is the duty of the courts and not the City Clerk to determine the legal sufficiency of nomination petitions. The City Clerk need only determine that the nomination petitions are substantially in regular form and contain the requisite number of signatures. The City Clerk has neither the right nor the duty to determine whether signers of the nominating petitions are qualified electors.

APPEALS OF VALIDITY OF NOMINATION PETITIONS

An elector may file a court action challenging a nomination petition no later than 5 p.m., June 29. Any such action must be heard by the Superior Court within ten (10) days after the filing. The Superior court decision is only appealable if notice of appeal is filed within five (5) days with the Supreme Court. All challengers are required to specify in the action the petition number, line number and basis for dispute for each signature in question. The City Clerk is statutorily named as a party to the action and automatically receives "service of process" in any action challenging a nomination petition. The City Clerk is the designated agent for the person filing a nomination petition and, therefore, must immediately notify the person of the action.

A candidate may also be challenged on grounds relating to the qualifications for office.

In the event any challenge is filed, it will be the person who submitted the petition, and not the city, that will be required to defend the legal sufficiency of the petition.

PENALTY FOR PETITION FORGERY

All petitions that have been submitted by a candidate that is found guilty of petition forgery must be disqualified, and the candidate is not eligible to seek election to a public office for at least five (5) years.

NEW PARTY REPRESENTATION

Presently, the Democratic, Republican and Libertarian parties are eligible for representation on the city's Primary Election ballot. A new party may gain recognition by submitting to the City Clerk a petition signed by a number of qualified electors equal to, but not less than, two (2%) percent of the votes cast for Mayor at the last preceding Mayoral Election.

The petition must be submitted to the City Clerk for signature verification no later than 180 days prior to the Primary Election (*by 5 p.m., March 17*).

- The signatures must be those of qualified city electors in not less than one-fourth (1/4) of the election precincts of the city.
 - **Total Signatures Required: 1,549 qualified electors of the City of Tucson.**
 - **Minimum Number of Precincts Represented as of November 2004: (63)**
- Circulators of the petition must be qualified to register to vote in the State of Arizona.
- The petition must be accompanied by an affidavit of ten (10) qualified electors of the City of Tucson asking that the signers of the petition be recognized as a new political party.

A party that has gained recognition is eligible to be placed on the September and November 2005 ballots. A political party is entitled to continued representation if the party receives at least five percent (5%) of the total votes cast for Governor in the November 2006 General Election. Also, it is entitled to continued representation if, one hundred and fifty-five (155) days immediately preceding the 2007 city Primary Election, the party has registered city electors equal to at least two-thirds of one percent (2/3 of 1%) of the total registered electors of the city.

Acceptance of New Party petitions by the City Clerk does not preclude any qualified elector of the City from challenging the petitions. In the event of any such challenge, it will be the person and/or group who submitted the petition, and not the city, which will be required to defend the legal sufficiency of the petitions.

NEW PARTY CANDIDATES

Candidates representing a new party are subject to the same qualifications and filing requirements as those established for other candidates. In Primary Elections, the signature requirements for new party nominees is at least one-tenth of one percent (1/10 of 1%) of the total vote for the winning candidate for presidential elector on November 2, 2004 within the City (for Mayoral candidates) or within the Ward (for Council candidates.) Signatures must be obtained from qualified electors who are eligible to vote for the candidate whose nomination petition they are signing. The City Clerk will provide exact signature requirements to individuals seeking the Office of Council Member in Wards 3, 5 or 6 as new party candidates.

LIST OF CANDIDATE NOMINATION FORMS

1) **COMBINED FORM (includes the following)**

a) NOMINATION PAPER

A.R.S. § 16-311, and § 16-341

The nomination paper states the candidate's actual residence address, mailing address and political party. It must also include the office and ward for which the candidate is seeking nomination, the exact manner in which his or her name is to be printed on the official ballot, and the date of the election.

The candidate's name as it appears on the official ballot is limited to his or her surname and given name or names. Abbreviated versions of names, appropriate initials or nicknames are permissible and may be printed in quotation marks, but must not suggest reference to professional, fraternal, religious or military titles. The candidate's surname is printed first.

b) AFFIDAVIT OF QUALIFICATION

A.R.S. § 16-311; Tucson Charter Ch. XVI

The affidavit includes facts sufficient to show that the candidate meets the qualification requirements set forth in the Tucson Charter. *(See page 5 for candidate qualifications.)*

c) CAMPAIGN FINANCE LAWS STATEMENT

A.R.S. § 16-905

This is a statement that the candidate has read all applicable laws relating to campaign financing and reporting.

2) **FINANCIAL DISCLOSURE STATEMENT**

Tucson Code § 12-42

The financial disclosure is the candidate's statement covering the preceding 12-month period and is on a form prescribed by the City Clerk at the time of filing for office.

3) **NOMINATION PETITIONS**

A.R.S. §§ 16-314, 16-315, 16-321, and § 16-341

Forms of petitions for both nomination by Primary and nomination other than by Primary are available from the City Clerk in either English or Spanish. For candidates who prefer to create their own petitions, the requirements are set forth in A.R.S. §§ 16-314, 16-315, and 16-321 (for Nomination by Primary), and in A.R.S. § 16-341 (for Nomination Other than by Primary). A photograph of the candidate may appear on the petition.

4) **POLITICAL COMMITTEE**

A.R.S. § 16-902 and § 16-903

STATEMENT OF ORGANIZATION

or \$500 THRESHOLD EXEMPTION STATEMENT

A candidate must file a Statement of Organization with the City Clerk *before* making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions. Each individual or political committee *intending* to receive contributions or make expenditures of \$500 or less must file a signed Exemption Statement which states that intention before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions.

**CITY OF TUCSON
OFFICE OF THE CITY CLERK
PRECINCTS BY WARD**

<u>WARD 1</u>	<u>WARD 2</u>	<u>WARD 3</u>	<u>WARD 4</u>	<u>WARD 5</u>	<u>WARD 6</u>
016	009	032*	011*	046	044
017	089	033*	113	048*	045
018	090	034	114	049	062
019	099*	035	120	050	063
020	106*	036	121	053	073
022	115	038	122	054*	074
025	116	040	123	064	075
026	118	042	124	065	076
027	119	043	132	066*	077
028	126*	055*	133	082	078
037	127	056*	176	084	079
051	128	057	177	085*	080
052	129	058	182	086	081
143**	130	059	184	087*	083
144*	131	060	195	098	091
145	170*	061	196	105	092
146*	173*	067	197	159	093
147*	174	068	221*	160	094
158*	175	069	249	161	095
185*	178*	070	252	248	096
186*	180	071	253	256*	097
225*	181	072	254	272*	100
270*	183	152	255*	295*	101
289*	190*	153	273	296*	102
290	191	154	274*	322	103
291	192	155	318	323	104
293*	193	156	335	339*	107
294	194	157	337	349	108
317*	198	164	338	375*	109
319	216*	165	353	376*	110
343	217	167	362	398*	111
350	218	168	368		112
380	242*	169	374*		117
401	243*	172	377		143**
	246	210*	388*		166
	247	212	389*		189
	250	230*	390*		213
	251	259	391		215
	299	261	394		231
	303	286	400		232
	304	287			244
	305	288			245
	331*	298			320
	334	315*			332
	336*	316*			333
	351*	330*			348
	355*	356			392
	366	373			
	382	399			
34	49	49	40	31	47

TOTAL PRECINCTS: 250

- * Split precinct, boundary extends beyond City limits.
- ** Split precinct between wards

revised 12/01/04

CHAPTER 2

CAMPAIGN FINANCING STATE LAWS

CANDIDATE'S CAMPAIGN COMMITTEE AND OTHER POLITICAL COMMITTEES

CANDIDATE \$500 THRESHOLD EXEMPTION STATEMENT

A candidate who has received or intends to receive contributions of \$500 or less or made \$500 or less in expenditures must file a \$500 Threshold Exception Statement with the City Clerk. If a candidate or political committee has filed a \$500 Exemption Statement and receives contributions or makes expenditures of more than \$500, that candidate or political committee must file a Statement of Organization with the City Clerk within five (5) business days after exceeding the \$500 limit.

ORGANIZATION OF POLITICAL COMMITTEES

1. The name of each political committee shall include the name of any sponsoring organization.
2. In the case of a candidate's campaign committee, the committee's name shall include the name of the candidate who designated the committee. In the case of an exploratory committee, the committee's name shall include the name of the individual who designated the committee.
3. Each political committee must have a chairperson and a treasurer. The position of chairperson and treasurer of a single political committee may not be held by the same individual, except that a candidate may be chairperson and treasurer of the candidate's own campaign committee.
4. Before a political committee accepts a contribution or makes an expenditure it must designate at least one financial institution as a depository for funds. The financial institution must be a state bank, or a depository institution that is federally chartered or whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. The name of the financial institution must be included on the Statement of Organization. If the information is not available at the time of the filing of the initial Statement of Organization, the committee must include the information in an amended Statement of Organization. The amended Statement designating the financial institution must be filed with the City Clerk within five (5) working days after opening the account.

DESIGNATION OF A CANDIDATE'S CAMPAIGN COMMITTEE

- A candidate who intends to receive contributions or make expenditures of more than \$500 in connection with a campaign for office must designate in writing a political committee for each election to serve as the candidate's campaign committee.
- The candidate must file a Statement of Organization with the City Clerk prior to making any expenditures, accepting any contributions, or distributing any campaign literature.
- The name of the candidate's campaign committee must include the name of the candidate.
- A political committee that supports or has supported another candidate or more than one candidate may not be designated as a candidate's campaign committee.

DESIGNATION OF AN EXPLORATORY COMMITTEE

An individual who intends to receive contributions or make expenditures of more than \$500 for the purpose of determining whether the individual will become a candidate must designate in writing a political committee to serve as the individual's exploratory committee. The individual must designate the committee before making any expenditures, accepting any contributions, or distributing any campaign literature. The name of the exploratory committee must include the name of the individual who designated the committee. Once an individual becomes a candidate, the exploratory committee designated by the candidate can transfer funds to the candidate's campaign committee subject to the limits specified in A.R.S. Section 16-905. As of November 2004, that amount is \$760.00.

DUTIES OF THE TREASURER

The duties of the treasurer of a political committee are set for in A.R.S. § 16-904. Some of the key duties include the following:

- Authorize (or have a designated agent authorize) any expenditure for or on behalf of the political committee, and any withdrawal or disbursement from a designated account.
- Deposit all receipts received by the political committee in a designated account.
- Segregate all monies of the political committee from, and not commingle them with, the monies of any individual.
- Make (or have a designated agent make) “best efforts” to obtain any missing information for contributions received that are required to be itemized on a campaign finance report.
- Report on an amended report any information required for the identification of a contributor that is received by the political committee after the contribution has been disclosed on a campaign finance report.
- Be the custodian of the political committee’s books and accounts, keeping an account of all contributions or other monies received, identification of contributors, all expenditures, and all periodic or other statements for each designated account of the political committee.
- Preserve all records and copies of all finance reports required to be filed for three (3) years after the filing of the finance report covering the receipts and disbursements evidenced by the records.
- On request of the Attorney General, County Attorney, City Attorney, or City Clerk, provide any of the records the treasurer is required to keep.

A person who violates any requirement set forth in A.R.S. § 16-904 is subject to a civil penalty imposed as prescribed in A.R.S. § 16-924 of three (3) times the amount of money that has been received, expended or promised or three (3) times the value in money for an equivalent of money or other things of value that has been received, expended or promised. Treasurers have personal liability in any case in which a violation occurs.

FILING STATEMENT OF ORGANIZATION

1. Every political committee must file a Statement of Organization with the City Clerk, even if the committee has filed one with another jurisdiction.
 - (a) Each candidate who intends to receive contributions or make expenditures of more than five hundred dollars in connection with a campaign for office shall designate in writing a political committee for each election to serve as the candidate's campaign committee. The candidate shall make the designation pursuant to this subsection by filing a statement of organization before making any expenditures, accepting any contributions, distributing any campaign literature or circulating any petitions. Each candidate who intends to receive contributions or make expenditures of five hundred dollars or less shall file a signed exemption statement that

states that intention before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions. If a candidate who has filed a five hundred dollar exemption statement receives contributions or makes expenditures of more than five hundred dollars, that candidate shall file a statement of organization with the filing officer within five business days after exceeding the five hundred dollar limit.

- (b) A standing political committee shall file a statement of organization with the secretary of state and in each jurisdiction in which the committee is active, and only the secretary of state shall issue an identification number for the committee. The statement of organization shall include a statement with the notarized signature of the chairman or treasurer of the standing political committee that declares the committee's status as a standing political committee. The secretary of state may charge an annual fee for the filing.
2. A political committee that files a statement of organization in this state as prescribed by section 16-902.01, that is registered in another state or pursuant to federal law and that intends to use in this state monies raised before filing its statement of organization shall also file complete copies of its previous campaign finance or other similar reports filed in those other jurisdictions that cover all contributions or receipts for the preceding two years.
 3. The City Clerk will issue identification numbers to all political committees, except standing political committees.
 4. The Secretary of State will issue identification numbers to standing political committees.
 5. A standing political committee may not act as a candidate's campaign committee or a sponsoring organization for any candidate, initiative, referendum, or recall.

CONTENTS OF STATEMENT OF ORGANIZATION

The Statement of Organization must include all of the following:

- Name, address and type of committee;
- Name, address, relationship and type of any sponsoring organization;
- The names, addresses, telephone numbers, occupations and employers of the chairperson and treasurer of the committee;
- In the case of a candidate's campaign committee, the name, address, office sought and party affiliation of the candidate;
- The name and address of all banks, safety deposit boxes or other depositories used by the committee. The committee does not have to provide account or box numbers.

AMENDMENTS TO STATEMENT OF ORGANIZATION

A political committee must file an amended Statement of Organization within five (5) business days after any change in the required information.

MANDATORY CONTRIBUTION LIMITATIONS FOR ALL CANDIDATES

There are mandatory state campaign contribution limitations that apply to all candidates. State contribution amounts are adjusted biennially by the Secretary of State pursuant to A.R.S. § 16-905(J). The next adjustment is scheduled for January 2005. Candidates must comply with provisions included in section State Campaign Finance Laws of this pamphlet. State law supersedes the Tucson Charter provisions except in provisions that are consistent with and stricter than the state law. It is strongly recommended that potential candidates, exploratory committees, political committees and others participating in the 2005 elections review these laws. Copies are available at the City Clerk's office.

A. Limitations on contributions from individuals and political committees

\$ 350	Maximum contribution from an individual.
\$ 350	Maximum contribution from most political committees.
\$1,800	Maximum contribution from a "qualified" political committee.

- A "qualified" political committee is one which has received funds from 500 or more individuals in amounts of \$10 or more in the one (1) year period immediately before application to the Secretary of State for certification as a qualified committee.
- An individual's exploratory committee or a candidate's campaign committee cannot make a loan, transfer, or contribute to any other exploratory or campaign committee except as specified in A.R.S. § 16-905(H):
- An exploratory committee may transfer monies to a subsequent candidate's campaign committee of the individual designating the exploratory committee subject to the limits of A.R.S. §16-905(B). (Also see page 30)
- A campaign committee may transfer or contribute monies to another campaign committee designated by the same candidate.

B. Limitations on aggregate amounts receivable by a candidate.

\$8,990	Maximum contributions in total from <u>all</u> political committees throughout the entire Primary and General Election campaign period.
\$3,360	Maximum contribution an individual may make during a calendar year to all state or local candidates, all political committees contributing to state or local candidates, and all political committees advocating the election or defeat of state or local candidates. (Contributions to political parties are not subject to this limitation.)

CONTRIBUTION RESTRICTIONS

Candidates and political committees should refer to state and local provisions for complete statutory information regarding limitations. Following are several examples:

- An individual or political committee may not use economic influence to induce members of an organization to make contributions to a candidate, collect contributions from members of an organization for transmittal to a candidate, make payments to candidates for public appearances or services which are ordinarily uncompensated, or use any similar device to circumvent any of the limitations of A.R.S. § 16-905.
- Any person who makes a contribution in the name of another person or who knowingly permits their name to be used to effect such a contribution and any person who knowingly accepts a contribution made by one person in the name of another person is guilty of a Class 6 Felony.
- Contributions from corporations, limited liability companies and labor organizations, with the exception of contributions from political committees incorporated under A.R.S. Title 10, Chapter 22 and political committees organized as limited liability companies, are prohibited. It is unlawful for the designating individual who formed an exploratory committee, a candidate, or a candidate's campaign committee to accept contributions from corporations or limited liability companies, with the exception of contributions from political committees incorporated under A.R.S. Title 10, Chapter 22 and political committees organized as limited liability companies, unless the contribution is from a separate segregated fund established to be utilized for political purposes (Political Action Committee) as set forth in A.R.S. §§ 16-919, 920 and 921.
- If an anonymous contribution is accepted because it is received in a non-returnable form, it should be placed in a separate account and not be spent on the candidate's campaign.
- See separate publication for guidelines concerning the political activities of City employees.
- A contribution by an individual or a political committee to two or more candidates in connection with a joint fund-raising effort shall be divided among the candidates in direct proportion to each candidate campaign committee's share of the expenses for the fund-raising effort.
- A standing political committee shall not act as a campaign committee or a sponsoring organization for any candidate, initiative, referendum or recall but may contribute to other political committees as provided by law. (A.R.S. § 16-907)

COMMITTEE TERMINATION STATEMENT

A political committee may terminate only when the chairperson and treasurer file a Termination Statement with the City Clerk. The committee must certify under penalty of perjury that it will no longer receive any contributions or make any disbursements, that the committee has no outstanding debts or obligations, and that any surplus monies have been disposed of pursuant to A.R.S. § 16-915.01.

The committee must also file a Campaign Finance Report stating the manner of disposition of the surplus, the name and address of each recipient of surplus monies, and date and amount of each disposition of surplus monies.

After the filing of the above reports, no subsequent reports are necessary, and no further receipts or disbursements may occur without filing a new Statement of Organization.

DISPOSITION OF SURPLUS FUNDS

The use of funds is governed primarily by A.R.S. §§ 16-905 and 16-915.01. A political committee can dispose of surplus monies only as follows:

- Keep surplus monies for use in a subsequent political election. This includes a transfer by an individual's exploratory committee or a candidate's campaign committee to that individual's subsequent exploratory committee or that candidate's campaign committee designated for a subsequent election. Such transfers are not subject to the contribution limitations of A.R.S. § 16-905. However, a candidate's campaign committee cannot contribute or transfer monies to another candidate's campaign committee.
- Return surplus monies to the contributor to the extent records are available permitting such return.
- Donate the surplus monies to the City of Tucson Election Campaign Account (to be used in the future as public matching funds), or to the county, state or local committee of a political party. Political committees may be eligible to make additional contributions consistent with appropriate federal, state and local laws.
- Donate surplus monies to a charitable organization that qualifies under Section 501(c)(3) of the United States Internal Revenue Code.
- In the case of a political committee other than an individual's exploratory committee or a candidate's committee, contribute surplus monies to a candidate's campaign committee if the contribution is within the limitations of A.R.S. § 16-905.
- Donate surplus monies to a political committee other than an individual's exploratory committee or a candidate's campaign committee.
- Dispose of the surplus monies in any other lawful manner. Surplus monies cannot be used for or converted to the personal use of the designating individual, in the case of an individual's exploratory committee or a candidate, in the case of a candidate's campaign committee, or any person related to the candidate by blood or marriage. This does not preclude the repayment of a loan made by the designating individual or candidate to their own campaign.

PRACTICAL TIPS FOR FILING REPORTS

- 1.** The City Clerk can not accept electronic filings.
- 2.** Contact the City Clerk before submitting a report to discuss any questions.
- 3.** When filing campaign finance reports, plan on spending fifteen to twenty minutes with City Clerk staff reviewing the report.
- 4.** If you plan to use a campaign finance report form other than one issued by either the Secretary of State or the City of Tucson, the City Clerk must approve it prior to use.
- 5.** Make sure that signatures of the treasurer, or in the absence of the treasurer, the candidate of the political committee are included.
- 6.** A “Political Committee No Activity Statement” may be filed when there are no contributions or expenditures during a required reporting period.
- 7.** Reports must be filed until a Termination Statement is filed with the City Clerk.
- 8.** Make sure reports are filed on time. There are no provisions for exceptions or time extensions and state law requires that penalties be assessed for late filings.
- 9.** Under state law, the committee treasurer must retain a copy of the reports for a period of three (3) years after the date of filing.
- 10.** All documents are filed in the public record’s section of the City Clerk’s office. Copies are available for ten cents per image.

PENALTIES

CONTRIBUTION LIMITATIONS

- A person who violates the campaign contribution limitations of A.R.S. §16-905 may have to pay a civil penalty of three times the amount of money, or the value in money for an equivalent of money or other things of value, that has been illegally received, expended or promised.
- Any qualified elector may file a sworn complaint with the attorney general or county attorney. If no action is instituted within forty-five (45) working days of the receipt of the complaint, the person complaining may bring a civil action in their own name and at their own expense.

CAMPAIGN FINANCE REPORTS

- A.R.S. § 16-918 specifies significant penalties for failure to file the State Campaign Finance Reports and/or false reporting:
- There is a late penalty of ten dollars (\$10) for each day the report is late up to a maximum of four hundred and fifty dollars (\$450). By law, the City Clerk cannot accept a late report unless any penalties owed are paid when the report is filed.
- If the report is not received by the City Clerk within fifteen (15) days after receiving a notice of delinquency, the committee, candidate or designating individual is liable for a penalty of twenty-five (\$25) for each additional day that the filing is late.
- There is a failure to make and file a report by the treasurer, the chairperson, the designating individual, or the candidate if any of the following occur:
 - The report is not filed in a timely manner; or
 - The report is not properly signed; or
 - A good faith effort is not made to substantially complete the report.

DECEPTIVE MAILINGS

An individual or committee is prohibited from attempting to influence the outcome of an election by delivering or mailing any document that:

- Purports to be authorized, approved, required, sent or reviewed by the state government, a county, city, or town, or any other political subdivision: or
- Falsely simulates a document from any of these governmental entities.

DISCLOSURE REQUIREMENTS

A person who violates any of the disclosure requirements of the Arizona Revised Statutes is subject to a civil penalty of three (3) times the cost of producing and distributing the literature or advertisement.

PETITION FORGERY

All petitions that have been submitted by a candidate that is found guilty of petition forgery must be disqualified, and the candidate is not eligible to seek election to a public office for at least five (5) years.

FEDERAL COMMUNICATIONS COMMISSION (FCC) REGULATIONS

You may obtain FCC-mandated regulations regarding sponsorship identification, from the City Clerk's office, free of charge.

INDEPENDENT EXPENDITURES

Arizona Revised Statutes, Title 16 § 16-904(14) defines “independent expenditure” as follows:

An expenditure by a person or political committee, other than a candidate’s campaign committee, that expressly advocates the election or defeat of a clearly identified candidate, that is made without cooperation or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate, or any committee or agent of the candidate. Independent expenditure includes an expenditure that is subject to the requirements of A.R.S. § 16-917 which requires a copy of campaign literature or advertisement to be sent to a candidate named or otherwise referred to in the literature or advertisement. An expenditure is not an independent expenditure if any of the following applies:

- a. Any officer, member, employee or agent of the political committee making the expenditure is also an officer, member, employee or agent of the committee of the candidate whose election or whose opponent’s defeat is being advocated by the expenditure or an agent of the candidate whose election or whose opponent’s defeat is being advocated by the expenditure.
- b. There is any arrangement, coordination or direction with respect to the expenditure between the candidate or the candidate’s agent and the person making the expenditure, including any officer, director, employee or agent of that person.
- c. In the same election the person making the expenditure, including any officer, director, employee or agent of that person, is or has been:
 - i. Authorized to raise or expend monies on behalf of the candidate or the candidate’s authorized committees.
 - ii. Receiving any form of compensation or reimbursement from the candidate, the candidate’s committees or the candidate’s agent.
- d. The expenditure is based on information about the candidate’s plans, projects or needs or those of his campaign committee, provided to the expending person by the candidate or by the candidate’s campaign committee with a view toward having the expenditure made.

An expenditure that does not meet the definition of an independent expenditure is both an in-kind contribution to the candidate and a corresponding in-kind expenditure by the candidate.

The limits on contributions contained in A.R.S. Title 16, Chapter 6 do not apply to independent expenditures.

IDENTIFICATION OF CAMPAIGN LITERATURE AND ADVERTISEMENTS

GENERAL DISCLOSURE REQUIREMENTS

1. "Literature or advertisement" is defined as information or materials that are mailed, distributed or placed in some medium of communication for the purpose of influencing the outcome of an election.
2. Except as specified in Paragraph 5 below, a political committee that makes an expenditure for campaign literature or advertisements that expressly advocate the election or defeat of any candidate, or that makes any solicitation of contributions to any political committee, shall at the time of distribution, placement or solicitation, be registered with the City Clerk. The literature or advertisement must include the disclosures required by statute.
3. The disclosures must be printed clearly and legibly in a conspicuous manner or, if the advertisement is broadcast on a telecommunications system, the disclosures must be spoken.
4. If an acronym is used to name any political committee whose disclosure is required, the name of any sponsoring organization of the political committee must also be printed or spoken.
5. No disclosure requirements apply in the case of:
 - (a) Bumper stickers, pins, buttons, pens and similar small items on which the disclosure cannot be conveniently printed;
 - (b) Signs paid for by a candidate with campaign monies or by a candidate's campaign committee; or
 - (c) A solicitation of contributions by a separate segregated fund from those persons it may solicit pursuant to A.R.S. §§ 16-920 and 16-921.

DISCLOSURE BY CANDIDATE CAMPAIGN COMMITTEES

If authorized or paid for by a candidate, a candidate's campaign committee or an agent of either, the literature or advertisement must clearly state that it was paid for by the candidate or the candidate's campaign committee.

DISCLOSURES BY POLITICAL COMMITTEES OTHER THAN CANDIDATE CAMPAIGN COMMITTEES

A political committee that makes an expenditure in connection with any literature or advertisement to support or oppose a ballot proposition must disclose in the literature or advertisement the four largest of its major funding sources as of the time the literature or advertisement is printed, recorded or otherwise produced for dissemination.

- If a political committee has fewer than four major funding sources, the committee must disclose all major funding sources.
- A major funding source of a political committee is any contributor that is not an individual person and that has made cumulative contributions of ten thousand dollars (\$10,000) or more for an expenditure in support of or opposition to a ballot proposition of a political subdivision with a population of one hundred thousand persons or more.
- If an out-of-state contributor or group of out-of-state contributors is a major funding source to a political committee the political committee must state the contributor is an out-of-state contributor on its literature or advertisement in support of or in opposition to a ballot proposition.
- Contributors that make contributions to more than one political committee that supports or opposes the same ballot proposition shall notify each political committee of the cumulative total of these contributions. Cumulative totals must be disclosed by each political committee that received contributions from the same contributor if the cumulative totals qualify as a major funding source.
- Any disclosure statement required must be printed clearly and legibly in a conspicuous manner in type at least as large as the majority of the printed text. If the communication is broadcast on radio, the information shall be spoken at the end of the communication.
- If the communication is broadcast on a telecommunications system, the information shall be both written and spoken at the end of the communication, except that if the disclosure statement is written for at least five seconds of a thirty second advertisement broadcast or ten seconds of a sixty second advertisement broadcast, a spoken disclosure statement is not required.
- If the communication is broadcast on a telecommunications system, the written disclosure statement shall be printed in letters equal to or larger than four per cent of the vertical picture height.
- No Disclosure requirements apply in the case of bumper stickers, pins, buttons, pens and similar small items on which the disclosure cannot be conveniently printed or to a communication by an organization solely to its members.
- A committee shall change future literature and advertisements to reflect any change in funding sources that must be disclosed.
- This section only applies to advertisements the contents of which are more than fifty per cent devoted to one or more ballot propositions or proposed measures on the same subject.
- For purposes of this section "advertisement" means general public advertising through the print and electronic media, signs, billboards and direct mail.

DISCLOSURES REQUIRED WITHIN TEN DAYS BEFORE AN ELECTION

- In addition to all other disclosure requirements, a political committee that makes independent expenditures for literature or advertisement relating to any one candidate or office within ten days before the day of any election to which the expenditures related (September 3, 2005 for the Primary Election; October 29, 2005 for the General Election) must send by certified mail a copy of the campaign literature or advertisement to each candidate named or otherwise referred to in the literature or advertisement twenty-four hours after depositing it at the post office for mailing, twenty-four hours after submitting it to a telecommunications system for broadcast or twenty-four hours after submitting it to a newspaper for printing.
- The copy of the literature or advertisement sent to a candidate must be a reproduction that is clearly readable, viewable or audible.
- An expenditure by a political committee or a person that does not meet the definition of an independent expenditure is an in-kind contribution to the candidate and a corresponding expenditure by the candidate unless otherwise exempted.
- A person who violates this requirement is subject to a penalty of three times the cost of the literature or advertisement that was distributed in violation.

NOTES

CAMPAIGN FINANCE REPORTING SCHEDULE

(For Candidates NOT Participating in Public Matching Funds Program)

Candidates who sign City of Tucson Campaign Finance Contracts, must file state and city reports according to the schedule outlined on page 55-56 instead of the schedule below.

ALL candidates and political committees must file Campaign Finance Reports with the City Clerk as required by state law. The only exceptions are for those candidates who filed a \$500 Threshold Exemption Statement and for standing political committees, who must file campaign finance reports with the Secretary of State. Reports must be filed pursuant to the schedule outlined below until the political committee has filed a termination statement. The committee treasurer or the candidate must sign reports (if the treasurer is unavailable) and provide certification of the signer under penalty of perjury that the report is true and complete. Note: There are penalties for filing incomplete or late campaign finance reports.

Campaign finance reports must be received by the City Clerk by **5 p.m.** on the following dates:

REPORTING PERIOD	FILING DEADLINE
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January 31 Report	
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For Period of November 25, 2003 through December 31, 2004.....	January 31, 2005
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June 30 Report	
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For Period of January 1, 2005 through May 31, 2005.....	June 30, 2005
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Pre-Primary Election Report	
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For Period of June 1, 2005 through August 24, 2005	September 1, 2005
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Post-Primary Election Report	
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For Period of August 25, 2005 through October 3, 2005	October 13, 2005
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Pre-General Election Report	
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For Period of October 4, 2005 through October 19, 2005	October 27, 2005
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Post-General Election Report	
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For Period of October 20, 2005 through November 28, 2005	December 8, 2005
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January 31 Report	
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For Period of November 29, 2005 through December 31, 2006	January 31, 2007
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- If a political committee receives no contributions and makes no expenditures during a required reporting period, it must file a Political Committee No Activity Statement instead of a report.
- If a candidate's campaign committee remains active after the election due to outstanding debts, it may file a Political Committee No Activity Statement no later than January 31, 2006 stating that the committee does not intend to receive any contributions or make any expenditures during the year. The committee still must report as required above.

LIST OF STATE CAMPAIGN FINANCE FORMS

\$500 THRESHOLD EXEMPTION STATEMENT

A.R.S. § 16-903

Each political committee that intends to accept contributions or make expenditures of \$500 or less must file a \$500 Threshold Exemption Statement with the City Clerk before accepting any contributions, making expenditures, distributing any campaign literature or circulating petitions. If the candidate receives contributions of more than \$500 or makes more than \$500 in expenditures, the candidate must designate in writing a candidate's political committee pursuant to A.R.S. § 16-903.

NO ACTIVITY STATEMENT

A.R.S § 16-913(D)

In the event a political committee receives no contributions and makes no expenditures during a reporting period, the committee treasurer or candidate may, instead of filing a report, sign and file the applicable form.

STATE CAMPAIGN FINANCE REPORTS

A.R.S. § 16-913

All candidates must file the campaign finance reports required by the State of Arizona with the City Clerk. Candidates who participate in the City of Tucson's public matching funds program must also file the campaign finance reports required by the Campaign Finance Administrator.

STATEMENT OF ORGANIZATION

A.R.S. § 16-902.01

Each political committee that intends to accept contributions or make expenditures of more than \$500 must file a Statement of Organization with the City Clerk before accepting any contributions, making expenditures, distributing any campaign literature or circulating petitions. The Statement of Organization filed by a standing political committee must also include a statement with the notarized signature of the Chairman or Treasurer that declares the committee's status as a standing political committee.

TERMINATION STATEMENT

A.R.S. § 16-914

A political committee may terminate only when the chairperson and treasurer file a Termination Statement with the City Clerk. The committee must certify under penalty of perjury that it will no longer receive any contributions or make any disbursements, that the committee has no outstanding debts or obligations, and that any surplus monies have been disposed of pursuant to A.R.S. § 16-915.01.

The committee must also file a statement of the manner of disposition of the surplus, the name and address of each recipient of surplus monies, and date and amount of each disposition of surplus monies.

After the filing of the above reports, no subsequent reports are necessary, and no further receipts or disbursements may occur without filing a new Statement of Organization.

NOTES

CHAPTER 3

CITY CAMPAIGN FINANCING LAWS

CITY OF TUCSON

PUBLIC MATCHING FUND PROGRAM

Step 1

INDIVIDUAL BECOMES A CANDIDATE WHEN THE FIRST OF ANY OF THE FOLLOWING EVENTS OCCUR

- Individual receives a contribution or makes an expenditure for a specified election with the exception of contributions received or expenditures made by an exploratory committee formed for the purpose of determining whether an individual will become a candidate; or
- Individual publicly or formally declares candidacy; or
- Individual files nomination papers.

Step 2

WITHIN THIRTY (30) DAYS – Individual must sign campaign contract within thirty (30) days after becoming a candidate, or at the time of filing nomination petitions (whichever is earlier.)

Step 3

NO LATER THAN FOURTEEN (14) DAYS BEFORE END OF THE CAMPAIGN PERIOD CANDIDATE MUST ESTABLISH ELIGIBILITY

Candidate files report to establish eligibility to receive public funding. Council candidates must receive two hundred (200) contributions of ten dollars (\$10) or more, from City of Tucson residents.

Last date to submit statement to establish eligibility:

- September 6 – for the Primary Election
- October 31 – for the General Election

Step 4

ALLOW APPROXIMATELY FOURTEEN (14) WORKING DAYS FOR AUDIT FOR COMPLIANCE AND ELIGIBILITY

- Within approximately fourteen (14) working days of filing report to establish eligibility, independent auditor will audit the candidate's campaign records and issue an opinion to the Campaign Finance Administrator stating whether the candidate is in compliance with provisions.
- Campaign Finance Administrator will notify candidate when eligibility is verified and candidate may receive public funds.

Step 5

REQUEST PUBLIC FUNDS

- *Candidates may request funds as frequently as once each calendar week.*
- **September 23:** Last day to request funds for Primary Election (for contributions received through September 19).
- **November 18:** Last day to request funds for General Election (for contributions received through November 14).

Step 6

PRE AND POST PRIMARY ELECTION campaign finance reports must be filed with the Campaign Finance Administrator by candidates participating in Primary Election.

- **September 1:** Pre-Election reports must be filed by 5 p.m.
- **September 23:** Post-Election reports must be filed by 5 p.m.

Step 7

PRE AND POST GENERAL ELECTION campaign finance reports must be filed with the Campaign Finance Administrator by candidates participating in General Election.

- **October 27:** Pre-Election reports must be filed by 5 p.m.
- **November 18:** Post-Election reports must be filed by 5 p.m.
- **Other reports may be required.** Check with the Campaign Finance Administrator.

Step 8

December 5 – All unexpended campaign contributions must be disbursed.

- After all unexpended contributions are disbursed, a campaign committee must file a Termination Report dissolving the committee.

Step 9

THREE (3) YEARS AFTER THE END OF THE CAMPAIGN PERIOD – All financial records must be retained by the candidate for three (3) years after the end of the campaign period.

- For those candidates participating only in the Primary Election, the campaign period ends on September 19. Keep records at least until September 18, 2008.
- For candidates participating in the General Election the campaign period ends on November 14. Keep records at least until November 13, 2008.

CAMPAIGN CONTRACT

To participate in the program, a candidate for the Office of Council Member signs a contract with the City of Tucson agreeing to abide by limitations on campaign expenditures. These limitations are set forth in the Tucson City Charter, Campaign Finance Administration Rules and Regulations, and in other applicable laws.

The campaign contract must be signed by the candidate either within thirty (30) days after the individual has become a candidate or at the time of filing for office, whichever is earlier. If the contract is not signed within this time frame, the candidate will not be eligible to participate in the program. A candidate who signs a contract must comply with all contribution and expenditure limitations, even if the candidate never qualifies to receive public funds.

The contract remains in effect for the entire campaign period. Rules and regulations, and campaign contracts are available from the City Clerk, who is the Campaign Finance Administrator.

“Campaign” or **“Campaign Period:”** includes the entire time from the date on which an individual becomes a candidate until the election or defeat of the candidate. (The campaign period ends on the date the Mayor and Council canvass and declare the results of the election at which the candidate is elected or defeated. *Primary Election canvass: September 19; General Election canvass: November 14.*)

“Candidate:” An individual is considered to be a candidate at such time as the first of any of the following events occur:

- 1) The individual receives a contribution or makes an expenditure for a specified election*;
- 2) The individual files nomination papers for a specified election; or
- 3) The individual publicly or formally declares candidacy for a specified election.

* With the exception of contributions received or expenditures made by an exploratory committee formed for the purpose of determining whether an individual will become a candidate.

“Voiding a Campaign Contract:” A candidate may void the campaign contract no later than fifteen (15) days after the deadline for filing nomination papers if an opponent of that candidate does not enter into a campaign contract before that time **and** if the candidate returns all public funds received to the Campaign Finance Administrator within ten (10) days after voiding the contract. (The term **“opponent”** includes all candidates seeking the same elected office regardless of whether they are participating in another party's nomination process during the Primary Election). A candidate may not withdraw from a contract after the Primary Election even if the candidate's opposition is not participating in the public matching funds program.

CAMPAIGN FINANCE REPORTING SOFTWARE

The City Clerk will provide software – free of charge – to all candidates who have signed a campaign contract. This software will assist candidates and their committees in maintaining campaign records as well as completing the required reports outlined in this pamphlet.

ESTABLISHING ELIGIBILITY TO RECEIVE FUNDS

Required Contributions: To qualify to receive public funds, a candidate for the Office of Council Member must receive two hundred (200) contributions of ten dollars (\$10) or more from residents of the City of Tucson:

- Neither loans nor the transfer of anything of value other than money are included for the purpose of determining eligibility to receive public funds.
- A candidate can receive contributions from any person or group eligible to contribute; however, only those contributions received from individuals who are residents of the City of Tucson will be counted for the purpose of determining eligibility.
- Once eligibility is established, contributions from individuals regardless of whether they reside in the City may be matched up to the established limit.

Contributions and loans by Candidate: A candidate can make a contribution to their own campaign to assist in establishing eligibility. The contribution will count as one of the required contributions of ten dollars (\$10) or more. However, contributions from the candidate will not be matched by public funds. A candidate may contribute up to three percent (3%) of the expenditure limit to their own campaign.

A candidate may make a loan to their own political committee. However, the loan together with any contributions can not exceed in the aggregate three percent (3%) of the expenditure limitation for the campaign period. A candidate loan is a contribution to the extent it remains unpaid. It is reported on **Schedule C**. A candidate loan becomes an expenditure of the committee upon repayment and must be reported on **Schedule D-4** of the campaign finance report for that period.

Candidates who have not signed a City campaign contract must adhere to state expenditure limitation and reporting laws. See State Campaign Finance Laws, Chapter 2.

Expenditure Limitations: During the campaign period, a candidate for the Office of Council Member cannot make expenditures exceeding the total amount of twenty cents (\$0.20) per City of Tucson registered voter. The amount per City registered voter may be adjusted upward or downward depending upon the percentage change in the Consumer Price Index as reported by the U.S. Department of Commerce or its successor agency. Expenditure limitations are based upon the number of registered voters in the City as of June 30 of the election year. A candidate cannot spend more than seventy-five percent (75%) of the expenditure limitation through the day of the Primary Election. Independent expenditures are not included in the computation of a candidate's expenditures.

Any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by a person for the purpose of influencing an election in the State of Arizona is considered an expenditure. This also includes a contract, promise or agreement to make an expenditure resulting in an extension of credit. (See A.R.S. § 16-901[8] for complete definition). NOTE: Expenditure counts when debt is incurred, not when debt is paid.

The following preliminary expenditure limitations are based upon city voter registration as of June 30, 2004, and are adjusted according to the Consumer Price Index. Final figures will be available in July 2005. It is important for candidates to realize the final expenditure limitations may be less than the preliminary number.

PRELIMINARY EXPENDITURE AMOUNTS	Council Member
Amount candidate may spend through the end of the campaign period for the General Election.	\$79,222.41
Amount candidate may spend through the day of the Primary Election (Sept. 13).	\$59,416.81
Amount candidate may receive in public matching funds.	\$39,611.21
Amount of public funds that may be released prior to calculation of final expenditure limits	\$29,708.41
Amount candidate may contribute to own campaign.	\$2,376.67
Final expenditure amount per registered voter.	\$.3343

Verification of Eligibility: Candidates must submit evidence to demonstrate that they meet the eligibility requirements before receiving funds. The evidence presented must contain enough detail to allow verification of whether funds were actually received and expended.

A candidate must submit a Statement to Establish Eligibility no later than fourteen (14) days prior to the end of the campaign period. September 6 is the last day to file the Statement to Establish Eligibility for candidates participating in the Primary Election, and October 31 is the last day to file for candidates participating in the General Election.

An audit of the candidate's records will be done at the time the Statement to Establish Eligibility is filed to verify eligibility and to make sure that the candidate is maintaining records in an acceptable manner and is in compliance with state and local laws. Refer to the Candidate Records Section of this chapter for guidance on how to keep your records.

This first audit will take approximately fourteen (14) working days if the candidate's records are in proper form. A second audit will be completed following the election at which the candidate is elected or defeated. In addition, special audits may be performed at any time. Notice will be given to the candidate as well as the chairperson and treasurer when an audit is to be performed. Audits are done at a location determined by the Campaign Finance Administrator.

REQUESTING AND RECEIVING FUNDS

- Once eligibility is established, the candidate is entitled to receive one dollar (\$1) for each dollar received during the campaign period from any individual, regardless of whether or not the individual resides in the City of Tucson – up to a limit of one half (1/2) of the total allowable expenditure limitation as defined in Chapter XVI, Subchapter B, Section 3 of the Tucson City Charter.
- Contributions from the candidate, political committees, partnerships, or other groups eligible to make contributions **will not** be matched by public funds.
- A candidate may request funds as early as January 1 of the year the election is held. However, until the final expenditure limitation is determined, the City will release funds up to seventy-five percent (75%) of the maximum amount that the candidate may spend through the day of the Primary Election (as determined by the preliminary expenditure limitation.)
- A candidate may submit requests for funds beginning with the Statement to Establish Eligibility and no more than once every calendar week thereafter. Requests for funds may be included with other reports or made separately.
- Once eligibility is established, funds will be available approximately two (2) working days after a request has been received by the Campaign Finance Administrator.
- The request for funds must include the names of any individuals authorized to receive public matching funds for the candidate.
- Last day to request funds for the Primary Election is September 23 (for contributions received through September 19).
- Last day to request funds for the General Election is November 18 (for contributions received through November 14).

RETURN OF FUNDS

A candidate who received public matching funds and later does not file for public office or withdraws as a candidate after filing must, no later than ten (10) days following such event, return to the Campaign Finance Administrator for deposit into the election campaign account an amount equal to the public funds disbursed to that candidate.

If following the primary or general election in which the candidate is elected or defeated, the candidate has unexpended campaign contributions, any surplus must be returned to the election campaign account until the full amount of public matching funds disbursed has been returned. Any remaining unexpended campaign contributions shall be disposed of pursuant to A.R.S. §§ 16-905 and 16-915.01. (See Disposition of Surplus Funds in Chapter 2, State Campaign Finance Laws, of this pamphlet.) All unexpended campaign contributions must be disbursed no later than the first Monday in December (December 5) following the election.

AUDIT REQUIREMENTS

A candidate who has signed a campaign contract must maintain financial records that are current and conform to generally accepted accounting principles. Records must be detailed enough to show what contributions were received and funds expended. All transactions must be supported by original, independent documentation.

The candidate is responsible for maintaining itemized records (by individual contributor and expenditure) and documentation (such as copies of receipts and checks) for all contributions received, including those not eligible for receipt of public matching funds, and all expenditures made. Contributions must be posted on the date of receipt – not the date of the bank deposit. All of the candidate's financial records including supporting documentation must be made available for audit upon one (1) day's notice.

The city's independent auditor performs audits to determine compliance with the contribution and expenditure limits as well as eligibility for public funds. During an audit, a candidate will be required to produce copies of checks, bills, or other documentation to verify contributions, expenditures, or other transactions reported on the disclosure statements. Notice will be given to the candidate as well as to the campaign committee chairperson and treasurer when an audit is to be performed. Compliance with the request for records will be required within one (1) day of receipt of the notice.

An audit of the candidate's records will be done at the time the Statement to Establish Eligibility is filed to verify eligibility and to make sure that the candidate is maintaining records in an acceptable manner and is in compliance with state and local laws. This first audit will take approximately fourteen (14) working days if the candidate's records are in proper form. A second audit will be completed following the election at which the candidate is elected or defeated. In addition, special audits of the candidate's financial records may be performed at any time. Audits are done at a location determined by the Campaign Finance Administrator.

Keep in mind that:

- A candidate who signs a campaign contract is subject to all contribution and expenditure limitations, even if the candidate never qualifies to receive public funds.
- A candidate cannot use contributions or public matching funds for purposes such as providing a candidate's personal support or for donation to another candidate's campaign.
- Public matching funds only can be spent on expenses directly related to a candidate's campaign. For example, purchasing campaign literature, signs, media space or time, mailings, office supplies, telephones, renting campaign headquarters and paying for the utility costs of the campaign headquarters.
- The Campaign Finance Administrator will determine permissibility of expenditures.
- Candidates must promptly resolve any outstanding issues, including discrepancies in campaign finance reports and supporting records.

CLOSING OUT THE BOOKS

- If a candidate participating in the City of Tucson Public Matching Funds Program has unexpended campaign contributions, any surplus must be returned to the City Election Campaign Account up to the amount received from the city.
- Any funds remaining after reimbursement to the Election Campaign Account may be expended in the manner described on page 33. The use of funds is governed primarily by A.R.S. §§ 16-905 and 16-915.01. (See Disposition of Surplus Funds in Chapter 2 of this pamphlet.)
- A candidate who receives public matching funds and later withdraws as a candidate must return all public funds received.
- Goods with a value over two hundred dollars (\$200), any part of which have been purchased with public funds and have a useful value extending beyond the end of the campaign period, will revert to the City.
- All financial records must be kept for three (3) years following the last day of the campaign period.

PENALTIES

- A candidate or person who knowingly or intentionally refuses or fails to comply with provisions of the Tucson City Charter is guilty of a misdemeanor. If the violation is by a candidate, the candidate's name will not be printed on the ballot. If the ballot is printed before conviction, the candidate will be denied the right to hold office if elected.
- In addition to other penalties provided for by law, a candidate who fails to comply with the provisions of the Tucson City Charter or the conditions of a properly signed Campaign Contract will be ineligible to receive further public matching funds until the candidate is in compliance.
- Any candidate who signs a Campaign Contract and then exceeds the expenditure limitation must immediately return to the Election Campaign Account three dollars (\$3) for each dollar overspent.

- Complaints regarding violations of the Tucson City Charter or Campaign Contract should be made to the Tucson Police Department. Complaints will be processed in the same manner as other misdemeanor violations.

CANDIDATE RECORDS

RESPONSIBILITY OF THE CANDIDATE

Candidates are responsible for keeping track of contributions and expenditures. The Tucson City Charter specifies that contributions include monies, loans, debts incurred, property in-kind, or things having a monetary value incurred or received by a candidate or his agent or other person on behalf of the candidate for use in advocating or influencing an election. A.R.S. § 16-901(5) lists specific items included and exempted from the definition of contribution.

- Public matching funds can only be spent for the receiving candidate's direct campaign purposes. Examples include purchasing campaign literature, signs, media space or time, mailings, office supplies, telephones, renting campaign headquarters, and paying for utility costs accumulated by the campaign headquarters.
- A candidate cannot use contributions or public matching funds for purposes such as providing a candidate's personal support, or for donation to another's campaign.
- Permissibility of expenditures will be determined by the Campaign Finance Administrator.
- A candidate who signs a campaign contract is subject to all contribution and expenditure limitations even if the candidate never qualifies to receive public funds.

RECORDS

Candidates are required by law to keep records of campaign contributions and expenditures. Records must support the information included in the disclosure statements filed with the City Clerk's Office.

The candidate or candidate's campaign committee must keep track of all money coming into the campaign (receipts) and all money flowing out (disbursements). You do this by setting up a system that will record, summarize, and communicate information in an orderly and efficient manner.

A sample record keeping system is presented on the following pages. The suggested record keeping system assumes you are keeping records manually but can be easily adapted for use with a computer. Most of the records require a basic accounting record, such as bank information, which you would maintain even if you did not participate in the matching funds program.

RECORD KEEPING

RECEIPTS

This section is designed to help candidates and political committees keep track of inventory of receipts including contributions, loans, interest, expenditures, refunds, or public matching funds checks that candidates receive from the Campaign Finance Administrator.

MONETARY CONTRIBUTIONS: Record the date a contribution is received, the amount of the contribution and the date it is deposited into a designated account. Also include the contributor's name, address, telephone number, occupation and employer. All of the above information is required even if the contribution is for less than twenty-five (\$25) dollars.

- Checks or Money Orders: Keep a copy of every contribution check and other monetary instrument.
- Cash Contributions: There must be a written receipt for every cash contribution received. One (1) copy of the receipt must be given to the contributor and one (1) copy must be kept in the contribution records.

SAMPLE RECEIPT

<i>(INSERT NAME OF CANDIDATE)</i> _____		OFFICE _____
Date Received: _____		
Amount of donation: \$ _____ Check Number : _____ or [] Cash		
Name: _____ If Family Member what is Relationship: _____		
Home Address: _____		
City: _____	State: _____	Zip: _____
Residence Telephone: _____		Business Telephone: _____
Employer: _____		Occupation: _____
Signature(s)* of Contributor(s): _____ / _____		
Date Deposited: _____		Deposit ID #: _____

*Signatures: Candidates must have the signature of every person who makes a contribution. If a candidate receives a joint contribution, that is, a single check that includes contributions from more than one person, the signature of each contributor must be secured.

- **Deposit Slips:** Deposit contributions in the designated bank account within five (5) business days of receipt. Keep a copy of all deposit slips in chronological order (numbering the deposit slips will assist in maintaining order as well as provide candidate with a Deposit ID#).
- Keep copies of all checks, cash contribution receipts, or other instruments representing monetary receipts, grouped together with the associated deposit slip.

- If an anonymous contribution is accepted, it should be placed in a separate account and not be spent on the candidate's campaign.
- A contribution by an individual, a political committee or two (2) or more candidates in connection with a joint fund-raising effort shall be divided among the candidates. This is to be done in direct proportion to each candidate campaign committee's share of the expenses. Expenditures related to a joint fund-raising effort should be clearly identified in campaign finance reports.

NON-MONETARY ("IN-KIND") CONTRIBUTIONS AND EXPENDITURES: Goods or services donated to a candidate's campaign for free or at a discount are reported as both in-kind contributions and in-kind expenditures. Keep a receipt or other written record, including the name, address, occupation, and employer of the contributor, description of the goods or services, and the value of the in-kind contribution. Follow the guidelines required for monetary contributions.

In-Kind Examples:

- *Candidate receives a contribution of office supplies with a value of two hundred dollars (\$200).*

Make sure the individual or organization is eligible to make a contribution. (For example, corporations cannot contribute to a candidate's campaign.) Keep a record of the contribution. This contribution would count toward two hundred dollars (\$200) of the contributor's three hundred and fifty dollars (\$350) contribution limit. It **also** is an expenditure and counts toward the expenditure limit per the candidate's Campaign Finance Contract.

- *Candidate is allowed to use an organization's office space free-of-charge.*

The candidate pays two hundred and fifty dollars (\$250) per month in rent for the space it occupies (1/4th of the total space). The value of the in-kind contribution/expenditure from the organization is 1/4th of the monthly rent (sixty-two dollars and fifty cents [\$62.50]) multiplied by three (3) months totaling one hundred eighty-seven dollars and fifty cents (\$187.50). Keep a record of the required contributor information, and also include calculations used to arrive at the value of the contribution. This in-kind contribution is also an expenditure and counts toward the expenditure limit.

- *Candidate holds a fund-raising dinner.*

The candidate charges twenty-five (\$25) per person for the dinner (catering cost is ten dollars [\$10] per person). The candidate's records will show fifteen dollars (\$15) per person as a contribution to the campaign. The ten dollars (\$10) per ticket for catering costs will be reflected as an expenditure by the political committee. If an individual *donates* items (for example, printed invitations, beverages or food) which have a cumulative value of less than one hundred dollars (\$100), it does not count as a contribution. The sum total of any such contribution cannot exceed the maximum contribution limitations, and must be added to any other contributions the individual may have made.

PUBLIC MATCHING FUNDS: All public matching funds the committee receives must be accounted for and reported on campaign finance reports. Keep a receipt for all deposits of funds received from the City of Tucson. Attach the voucher portion of the check received from the City to the deposit slip.

DISBURSEMENTS

This section outlines how to keep records of disbursements including paying bills by multiple methods, handling petty cash and maintaining bank records.

Candidates need to be aware that all debts and obligations must be reported at the time they are incurred. This includes items such as television ad time purchased well in advance of the election for which the ads will appear. The debts are reported in the appropriate campaign finance report schedule. The payments made against the debt are reported at the time they are made on the appropriate campaign finance report schedule. The payments are added into the total expenditures for the period and count towards the expenditure limit for candidates who sign Campaign Finance Contracts.

KEEP COPIES OF BILLS: The campaign finance rules require a candidate to keep copies of bills and invoices. We recommend that a voucher be used to attach to each bill or combination of bills for which a check will be written. The following information is to be included: payment date, individual/vendor, address, amount, purpose, approval by treasurer or designated agent, and the check number used to pay. All vouchers and bills should be kept in chronological date order. Invoices and bills should be filed by date billed. It's also a good idea to limit the number of persons authorized to expend funds on behalf of the campaign. This limitation will give a clearer picture of actual expenditures made. Keep a separate chronological file of all outstanding bills. Report the amounts outstanding on any bills on Schedule G-1 at the end of the campaign on the Post-Election Report.

SAMPLE VOUCHER

Date Paid: _____	Amount: _____
Vendor/Individual: _____	Purpose: _____
Address: _____	
Check #: _____	Approved By: _____

PAYMENTS BY CHECK:

- Pay all bills by check. An exception can be made for small expenditures made with petty cash (see petty cash section for more detail.)
- Keep a checkbook register recording all disbursements made from the candidate's account including, expenditure payments, loan repayments, and bank charges. Record the date, payee name, purpose, check number, and amount.
- Keep a separate checkbook register for each account maintained by the committee.

PETTY CASH: Small expenditures may be made from a cash fund. A petty cash fund of \$100 or less per transaction is suggested. All petty cash expenditures should be entered in a petty cash journal, which serves as a chronological record of all deposits into and withdrawals from petty cash. Journal entries must include the individual's name, date of payment, amount, purpose, and name and address of vendor. Anyone who

makes an expenditure on behalf of the candidate or political committee must be reimbursed promptly. Until they are reimbursed, any amount owed to them is a loan. Loans are contributions until they are repaid, and are added to the total an individual may have already contributed to the campaign committee (\$350 limit).

SAMPLE PETTY CASH JOURNAL

Date	Amt	Purchaser	Purpose	Vendor Name	Vendor Address	Approved by

CREDIT CARD PURCHASES: If purchases are made with a credit card, maintain billing statements or receipts that show the vendors underlying the credit card payment. We suggest that all credit card statements be filed chronologically with other bills. **IMPORTANT NOTE: Expenditure counts when debt is incurred, not when debt is paid.**

BANK RECORDS

Keep the following bank records in chronological order and separated for each account:

- Bank statements;
- Other correspondence from the bank, such as debit memos;
- Canceled checks (if available), the carbon of each check or a copy of each check; and
- Deposit slips with associated copies of checks and cash contribution cards attached.

AUDITS

Audits are performed to determine compliance with the contribution and expenditure limits and other requirements, and eligibility for public funds. During an audit you will be required to produce copies of checks, bills, or other documentation to verify contributions, expenditures, or other transactions reported on the disclosure statements. Notice will be given to the candidate and his/her campaign committee chairperson and treasurer when an audit is to be performed. Compliance with the request for records will be required within one day of receipt of the notice.

GATHERING YOUR INFORMATION

RECORD KEEPING RESPONSIBILITIES:

Candidates and their treasurers must monitor campaign officials and volunteers who make purchases or pay for services with the intention of getting a reimbursement by the campaign. In these cases, the purchase is a loan to the campaign unless the reimbursement is made within three (3) working days. The cost of the goods or services purchased by the agent of the campaign must be added to any other loan or contribution made to the campaign by the same person and cannot exceed \$350 total at all times. Use caution when authorizing people to make those types of transactions, particularly close to election day. It is easy to lose track without proper documentation and exceed the expenditure limit.

Additionally, goods and services purchased in excess of the amount the campaign has received in contributions will cause the campaign to go into debt. The candidate then would run the risk of violating state campaign finance laws and their Campaign Finance Contract with the city.

Best Efforts

Candidates must use their best efforts to get all required information for any incomplete contribution (any contribution for which the contributor's mailing address, occupation, employer or committee identification number have not been obtained and are not in possession of the candidate). At least one effort must be made to obtain the missing information by a written request sent to the contributor or by oral contact with the contributor, and it must be documented in writing.

All requests must clearly ask for the missing information and inform the contributor that the candidate is required by State law to obtain the mailing address, occupation and employer of each individual and the mailing address and identification number of each political committee.

For candidates who sign campaign contracts, “best effort” must be shown by the completion of an affidavit signed under oath by the candidate, chairperson and treasurer of the candidate’s campaign committee. Copies of correspondence and notes regarding attempts to contact the contributor must be attached to the affidavit. The affidavit must be filed along with the appropriate campaign finance report.

The following is suggested wording for correspondence to contributors :

“Thank you for your contribution to _____ [insert name of campaign committee]. We are required by State law to ask for the mailing address, occupation and employer of all contributors. Please contact us with this information as soon as possible.”

RECORD KEEPING GUIDELINES

1. When a check is received, process it as follows:
 - a. Separate contributions with complete contributor information from those with incomplete information. Make your best efforts to obtain the missing information.
 - b. For joint contributions, make sure all contributors have signed the check and/or each contributor has signed the contribution card. If you do not have all signatures, the contribution must be processed as received from the person who signed the check.
 - c. Photocopy all contribution checks and/or other monetary instruments, such as money orders.
 - d. Prepare deposit slip. While you might not make deposits every day, you must deposit all contributions within five (5) business days of the date they were received.
 - e. Number the deposit slips and file in numerical order. File in the box provided on Schedule 1, A or A1 with the deposit ID #. Numbering the deposit slips and filing a copy of each check with the corresponding deposit slip will assist you during the audit process.
 - f. Periodically, complete Schedule 1 or Schedule A (whichever is appropriate) of the City reporting forms.
2. Cash contributions require the same process as is outlined for checks. Make sure you keep signed cash contribution receipts. File the cash contribution receipts with the copies of deposit slips in the same way you file copies of contribution checks.
3. Paying bills:
 - a. First, fill out the check request voucher with all pertinent information, then attach it to the bill and obtain the necessary approval. After this step is completed, write the check to pay the bill, or a portion of the bill.
 - b. Record the check in your checkbook register. Enter the check date, the payee name, check number, the amount, and the purpose of the expenditure.
 - c. Write the check number used to make the payment on the bill.
 - d. File bills with the attached vouchers chronologically using a separate folder for each filing period. For credit card bills, file the credit card statement itemizing the underlying vendors with the other bills. If the statement does not itemize the underlying vendors, maintain and file the receipt for purchases.

4. If you make a payment in cash, keep a petty cash fund from which you can make small payments. Record transfers into petty cash in the checkbook register. Record payments in cash in the petty cash journal.
5. If you write a check to reimburse someone for making a purchase you should record the name of the person to whom you wrote the check as the payee on Schedule D of the City reporting forms. You must keep copies of the receipts underlying the purchase in your files with your bills.
6. Keep all financial records for three (3) years after the end of the campaign period.

CAMPAIGN FINANCE REPORTING SCHEDULE

(For Candidates Participating in Public Matching Funds Program)

A candidate participating in the public matching funds program is required to report all campaign contributions and expenditures in the manner specified by the Campaign Finance Administrator. Any deviation from the reporting format will not be accepted unless prior approval is received from the Campaign Finance Administrator. The candidate, treasurer and chairperson as well as the person who prepared the reports must sign all reports, and all signatures must be properly notarized. The City Clerk must receive reports no later than 5 p.m. on the dates specified.

Campaign finance reports must be received by the City Clerk by 5 p.m. on the following dates:

<u>REPORTING PERIOD</u>	<u>FILING DEADLINE</u>
--------------------------------	-------------------------------

Consolidated City/State January 31 Report	
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For Period of November 25, 2003 through December 31, 2004.....	January 31, 2005
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Consolidated City/State June 30 Report	
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For Period of January 1, 2005 through May 31, 2005	June 30, 2005
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Consolidated City/State Pre-Primary Election Report	
--	--

For Period of June 1, 2005 through August 24, 2005	September 1, 2005
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Statement to Establish Eligibility	
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After eligibility has been verified, a candidate may file a Request for Public	
--	--

Matching Funds as needed but no more than once a week	September 6, 2005
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NOTE: Due to Labor Day Holiday, Statements to Establish Eligibility will be accepted on Tuesday, September 6.

Last Date to Request Funds for Primary Election	
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.....	September 23, 2005
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City Post-Primary Election Report	
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For Period of August 25, 2005 through September 19, 2005	September 23, 2005
--	---------------------------

State Post-Primary Election Report	
---	--

For Period of September 20, 2005 through October 3, 2005	October 13, 2005
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REPORTING PERIOD *(continued)***FILING DEADLINE****Consolidated City/State Pre-General Election Report**

For period of October 4, 2005 through October 19, 2005 **October 27, 2005**

Statement to Establish Eligibility

(if not filed for the Primary Election)

..... **October 31, 2005**

Last Date to Request Funds for General Election

..... **November 18, 2005**

City Post-General Election Report

For Period of October 20, 2005 through November 14, 2005 **November 18, 2005**

State Post-General Election Report

For Period of November 15, 2005 through November 28, 2005 **December 8, 2005**

OTHER REPORTS**January 31 Report**

For period of November 29, 2005 through December 31, 2006 **January 31, 2007**

Additionally, candidates may be required to file other reports when required to do so by the Campaign Finance Administrator.

OTHER REQUIREMENTS

- A “Political Committee No Activity Statement” must be filed if the candidate's campaign committee does not receive any contributions or make any expenditures during a required reporting period.
- Candidates who sign Campaign Finance contracts must promptly resolve any outstanding issues, including discrepancies in campaign finance reports and supporting records.
- Candidates who sign Campaign Finance contracts will be required to file a Termination Statement following the election and after the post-election audit has been certified.

LIST OF CITY CAMPAIGN FINANCE FORMS

AFFIDAVIT OF BEST EFFORT

A.R.S §§ 16-901(12); CFA Rules & Regs. Part 3 (III E)

Candidates who sign a Campaign Finance Contract must file an Affidavit of Best Effort, with documentation attached that verifies their attempts to obtain the required information for any incomplete contribution. The affidavit must be filed at the time of filing the appropriate campaign finance report. Individual contributions require name, mailing address, occupation and employer. Political committee contributions require full name of committee and identification number issued by the City Clerk.

AFFIDAVIT OF QUALIFICATION

A.R.S §§ 16-311, 16-905(K)(5)

Candidates who sign a Campaign Finance Contract must sign an Affidavit of Qualification attesting to the fact that they have fulfilled the constitutional and statutory requirements for holding the office for which candidacy has been declared. This includes, but is not limited to, residing within the corporate limits of the City of Tucson, for three (3) years immediately prior to running for office and within the Ward for one (1) year immediately prior to running for office.

CAMPAIGN FINANCE CONTRACT

**Tucson Charter, Ch.XVI, Subch. B;
CFA Rules and Regs. Part 3(I)**

In order to receive funds from the City, a candidate must sign a Campaign Finance Contract within thirty (30) days after becoming a candidate for office or at the time of filing for office, whichever is earlier.

CITY CAMPAIGN FINANCE REPORTS

CFA Rules & Regs. Part 3(III)

All candidates must file the campaign finance reports required by the State of Arizona with the City Clerk. Candidates who sign a campaign contract must also file the campaign finance reports required by the Campaign Finance Administrator.

REQUEST FOR PUBLIC MATCHING FUNDS

**Tucson Charter Ch. XVI Subch. B;
CFA Rules & Regs. Part 3(III)**

Once a candidate's eligibility for public matching funds is established, a candidate may request funds beginning January 1, 2005, and ending on the Friday immediately following the end of the campaign period. Funds may be requested once during each calendar week.

STATEMENT TO ESTABLISH ELIGIBILITY

**Tucson Charter Ch. XVI, Subch. B;
CFA Rules & Regs. Part 3(II)**

Candidates who sign a Campaign Finance Contract and are seeking public matching funds must file a Statement to Establish Eligibility no later than fourteen (14) days prior to the end of the campaign period. The campaign period for an election ends on the Monday after the election when the Mayor and Council canvass the returns and declare the results of the election at which a candidate was elected or defeated.

NOTES

CHAPTER 4

POLITICAL ELECTION SIGNS

CAMPAIGN SIGNS, LITERATURE AND ADVERTISEMENTS

CAMPAIGN SIGNS

The City of Tucson has specific regulations regarding political election signs in the City limits.

POLITICAL ELECTION SIGN is defined as “a sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body.” The following political election sign regulations are subject to change. Please contact the City Clerk’s office *prior* to placing signs to ensure the most current regulations are being met.

WHAT TO DO

- Provide the City of Tucson’s Development Services Department with the name, address and telephone number of the individual responsible for the placement and removal of the signs.
- Locate political election signs on private property only. Obtain permission from the person with actual authority to grant it. In the case of rental property, that person may be the owner or the tenant, depending on the specific desired location of the sign and the lease.
- Keep in mind that individuals who post signs on their *own* property in support of, or opposition to, a candidate are not required to permit the candidate’s opponents to post signs on the same property. Individuals who place political election signs on their own property without input from a candidate or political committee are not required to notify Development Services.

WHAT *NOT* TO DO

- Do not place political election signs in the public right-of-way or on public property. When in doubt, contact Maps and Records, Engineering Division, Department of Transportation, at 791-4321.
- Do not allow election signs to obstruct the view of vehicle operators or create a traffic hazard.
- Do not post, display or otherwise attach a political election sign to or upon any street lamp post, street sign, traffic sign or signal, hydrant, tree, shrub, fence or utility pole. This also includes any public structure (such as a bus stop) or building.
- Do not put sign stakes or rebar into the ground without first having the area “blue-staked.” Contact the Blue Stake Center at 800-782-5348 to have underground public utilities marked free-of-charge.
- Do not place political election signs in support or opposition to a candidate on property owned or under control of corporations, labor organizations or limited liability companies. Arizona Revised Statutes § 16-919 prohibits corporations, labor organizations or limited liability companies from making political contributions to candidates *unless* the political action committee of a corporation, labor organization or limited liability company has authorized a particular property’s use. In addition, if the “forum for speech” exception applies to the particular property, no actual contribution will be deemed to occur.

WHO TO CONTACT

For Information or to File Complaints:

Sign Code Enforcement

Development Services Department

201 N. Stone Avenue

(520) 791-5550

Mailing Address:

P.O. Box 27210

Tucson, AZ 85726-7210

For Information on Right-of-Way:

Maps and Records, Engineering Division

Department of Transportation

(520) 791-4321

PLACEMENT OF POLITICAL ELECTION SIGNS - (TUCSON CODE §§ 3-20 AND 3-63)

It is the responsibility of the candidate or political committee to ensure all signs are in compliance.

PUBLIC PROPERTY

- It is unlawful to post signs in the public right-of-way or on public property.
- Signs in violation are subject to immediate removal.

PRIVATE PROPERTY APPROVAL

- It is unlawful to post signs on private property without the permission of owner.

MAXIMUM AREA

- Residential Districts: *Six (6) square feet.*
- All other districts: *Fifty (50) square feet.*
- Districts are determined pursuant to the Tucson Sign Code.
- Contact the Development Services Department for information.

MAXIMUM HEIGHT

- All districts: *Ten (10) feet.*

PERMITS

- Permits are not required and do not count against a property's otherwise allowable signage area. IF the person or organization planning to erect the signs first provides the City of Tucson's Development Services Department with the name, address and telephone number of the individual responsible for the placement and removal of the signs.

PLACEMENT AND MAINTENANCE

- All signs must be kept in a presentable and safe condition. This includes capping *all* rebar stakes.
- Signs in violation are subject to immediate removal.

POLLING PLACES

- Any facility that is used as a polling place on election day must allow signs to be placed outside of the seventy-five (75) foot limit in public areas and parking lots used by voters.

REMOVAL

- All signs located within 75 feet of any polling place must be removed prior to Election Day.
- All signs must be removed no later than 15 days after the primary election (*or by September 28, 2005*) except that winners of a primary election need not remove their signs until 15 days after the general election (*or by November 23, 2005*).

NOTES

PENALTIES

CAMPAIGN FINANCE REPORTS

- A.R.S. § 16-918 specifies significant penalties for failure to file the State Campaign Finance Reports and/or false reporting:
- There is a late penalty of ten dollars (\$10) for each day the report is late up to a maximum of four hundred and fifty dollars (\$450). By law, the City Clerk cannot accept a late report unless any penalties owed are paid when the report is filed.
- If the report is not received by the City Clerk within fifteen (15) days after receiving a notice of delinquency, the committee, candidate or designating individual is liable for a penalty of twenty-five (\$25) for each additional day that the filing is late.
- There is a failure to make and file a report by the treasurer, the chairperson, the designating individual, or the candidate if any of the following occur:
 - The report is not filed in a timely manner; or
 - The report is not properly signed; or
 - A good faith effort is not made to substantially complete the report.

CONTRIBUTION LIMITATIONS

An individual who violates the campaign contribution limitations faces significant civil penalties. Any qualified elector may file a sworn complaint with the attorney general or county attorney. If no action is instituted within forty-five (45) working days of the receipt of the complaint, the person complaining may bring a civil action in their own name and at their own expense.

DECEPTIVE MAILINGS

The penalty for deceptive mailings (civil penalty) is equal to twice the total cost of the mailing, or five hundred dollars (\$500), whichever amount is greater.

DISCLOSURE REQUIREMENTS

A person who violates any of the disclosure requirements of the Arizona Revised Statutes is subject to a civil penalty of three (3) times the cost of producing and distributing the literature or advertisement.

PETITION FORGERY

All petitions that have been submitted by a candidate that is found guilty of petition forgery must be disqualified, and the candidate is not eligible to seek election to a public office for at least five (5) years.

POLITICAL ELECTION SIGN VIOLATIONS

Penalties for violating political election sign provisions are set forth in Tucson Code Chapter 3 and Chapter 11, Section 57. Minimum penalties begin at one hundred dollars (\$100) plus cost of removal. Signs located in the public right-of-way are subject to immediate removal and penalties.

CANDIDATES WHO SIGN CAMPAIGN CONTRACTS

- A candidate or person who knowingly or intentionally refuses or fails to comply with provisions of the Charter is guilty of a misdemeanor. If the violation is by a candidate, the candidate's name will not be printed on the ballot. If the ballot is printed before conviction, the candidate will be denied the right to hold office if elected.
- In addition to other penalties provided for by law, a candidate who fails to comply with the provisions of the Charter or the conditions of a properly signed Campaign Contract will be ineligible to receive further public matching funds until the candidate is in compliance. Any candidate who signs a Campaign Contract and then exceeds the expenditure limitation must immediately return to the Election Campaign Account three dollars (\$3) for each dollar overspent. Complaints regarding violations of the Charter or Campaign Contract should be made to the Tucson Police Department. Complaints will be processed in the same manner as other misdemeanor violations.